

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANK MANUEL HERNANDEZ,

Case No. 3:20-cv-00114-MMD-CSD

Plaintiff,

ORDER

v.

PERRY RUSSELL, *et al.*,

Defendants.

11 Pro se Plaintiff Frank Manuel Hernandez brings this action pursuant to 42 U.S.C.
12 § 1983 against Defendant correctional officers Steve Lennon and David Cregg.¹ The
13 complaint in this action was filed on March 3, 2021. (ECF No. 8.) The Nevada Attorney
14 General did not accept service on behalf of Lennon, as he was no longer employed by
15 the Nevada Department of Corrections. (ECF No. 16, 19.) The Court then directed the
16 U.S. Marshal to serve the summons on Lennon at his last known address, but the
17 summons was returned unexecuted (ECF Nos. 19, 20, 22.) The Court twice sought an
18 updated address from the Attorney General, but no other address for Lennon was on
19 file. (ECF Nos. 30, 31, 36, 37.)

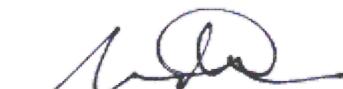
20 The Court issued a notice of intent to dismiss Lennon pursuant to Rule 4(m) if
21 proof of service was not filed by February 3, 2022. (ECF No. 40.) Hernandez then
22 requested service by publication (ECF No. 43), which the Court denied (ECF No. 46).
23 The Court did however stay the dismissal for 45 days to give Hernandez a final chance
24 to complete service or to file a renewed motion for service by publication with the
25 necessary information. (ECF No. 46.) That deadline has now passed, and Hernandez

¹The other named Defendants have since been dismissed.

1 has neither filed proof of service nor supplied the Court with the required information for
2 service by publication as explained in the Court's prior order.

3 It is therefore ordered that the claims against Steve Lennon are dismissed
4 without prejudice.

5 DATED THIS 25th Day of March 2022.



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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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